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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

SWEET PEOPLE APPAREL, INC.  
d/b/a MISS ME, a California  
corporation, and RCRV, INC. d/b/a  
ROCK REVIVAL, a California  
corporation.

Plaintiff,

v.

DOWNEAST OUTFITTERS, INC.  
d/b/a DOWNEAST BASICS, a Utah  
corporation,

Defendant.

Case No.: 12 CIV 08726 (JAK) (CWX)

**CONSENT JUDGMENT AND  
PERMANENT INJUNCTION**

1           Whereas, Plaintiffs Sweet People Apparel, Inc. d/b/a Miss Me (“Sweet  
2 People”) and RCRV, Inc., d/b/a Rock Revival (“RCRV”), on the one hand, and  
3 Defendant Downeast Outfitters, Inc. d/b/a Downeast Basics (“Downeast”), on the  
4 other hand, have stipulated to the entry of judgment and a permanent injunction, as  
5 set forth in their concurrently filed Stipulation for Entry of Consent Judgment and  
6 Permanent Injunction.

7           After having reviewed and considered the parties’ Stipulation, this Court finds  
8 that it has jurisdiction over the subject matter of this action and over the Parties, and  
9 venue in this action is proper in this judicial district.

10           WHEREAS, Sweet People is the owner of federally registered and/or common  
11 law trademarks for certain designs it uses on and in connection with its MISS ME  
12 line of jeanswear products, including a Fabric Cut Out Design appearing on the rear  
13 waistband and pockets of its jeanswear products (the “FABRIC CUT OUT DESIGN  
14 Trademark”), copies of the registration certificate for and photograph of the FABRIC  
15 CUT OUT DESIGN Trademark being attached hereto as Exhibit A; and

16           WHEREAS, RCRV is the owner of federally registered and/or common law  
17 trademarks for certain designs it uses on and in connection with its ROCK REVIVAL  
18 line of jeanswear products, including an Inverted Fleur-de-lis Design embroidered  
19 onto the rear pocket of its jeanswear products (the “INVERTED FLEUR-DE-LIS  
20 DESIGN Trademark”), copies of the registration certificate for and photograph of the  
21 INVERTED FLEUR-DE-LIS DESIGN Trademark being attached hereto as Exhibit  
22 B; and

23           WHEREAS, Sweet People and RCRV filed a Complaint against Downeast in  
24 the United States District Court for the Central District of California, in an action  
25 captioned *Sweet People Apparel, Inc. d/b/a Miss Me, et al. v. Downeast Outfitters,*  
26 *Inc., d/b/a Downeast Basics*, No. 12-Civ-08726 (C.D. Cal.) (JAK) (CWx) (the “Civil  
27 Action”), seeking injunctive relief and damages for alleged acts of trademark  
28 counterfeiting, trademark infringement, false designation of origin, and unfair

1 competition, arising out of Downeast's alleged creation, design, manufacture,  
 2 purchase, importation, distribution, promotion, advertising, marketing, offer for sale  
 3 and/or sale of certain jeanswear products bearing designs that Sweet People and  
 4 RCRV allege infringe their rights in and to the FABRIC CUT OUT DESIGN  
 5 Trademark and the INVERTED FLEUR-DE-LIS DESIGN Trademark, including the  
 6 designs appearing on Downeast jeanswear products sold under the style names Red  
 7 Carpet, Chart Topper, Amplify Crop and New Bling Boot (the "Accused Designs"),  
 8 copies of photographs of the Accused Designs being attached hereto as Exhibit C.

9 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

10 1. Downeast and its agents, affiliates, divisions, parents, subsidiaries,  
 11 related companies, and all natural or legal persons acting on their behalf, or in active  
 12 concert with any of them, shall be PERMANENTLY ENJOINED and  
 13 RESTRAINED from the date of this Consent Judgment and Permanent Injunction  
 14 from causing to be done, by any means, method, or device whatsoever, or by any  
 15 person or persons whomsoever, the following acts:

16 (a) creating, designing, manufacturing, importing, exporting,  
 17 distributing, supplying, advertising, marketing, promoting, purchasing, offering for  
 18 sale or selling any jeanswear products bearing any of the Accused Designs; and

19 (b) creating, designing, manufacturing, importing, exporting,  
 20 distributing, supplying, advertising, marketing, promoting, purchasing, offering for  
 21 sale or selling any jeanswear products that contain any design that is confusingly  
 22 similar to Sweet People's FABRIC CUT OUT DESIGN Trademark; and

23 (c) creating, designing, manufacturing, importing, exporting,  
 24 distributing, supplying, advertising, marketing, promoting, purchasing, offering for  
 25 sale or selling any jeanswear products that contain any design that is confusingly  
 26 similar to RCRV's INVERTED FLEUR-DE-LIS DESIGN Trademark.

27 2. The Court retains jurisdiction of this action for the purpose of enforcing  
 28 the provisions of this Consent Judgment and Permanent Injunction by way of

1 contempt motion or otherwise, and is enforceable against the Parties' affiliates,  
2 subsidiaries, parents, related companies, successors and assigns to the extent  
3 permitted by law.

4 3. The parties waive any right to appeal this Consent Judgment and  
5 Permanent Injunction.

6 4. The parties shall bear their own costs and attorneys' fees related to this  
7 action.

8  
9 DATED: January 4, 2013

10 

11 \_\_\_\_\_  
12 JOHN A. KRONSTADT  
13 United States District Judge

14 Submitted By:  
15 ARNOLD & PORTER LLP

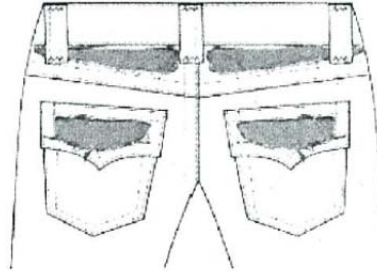
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*Counsel for Plaintiffs*

# **EXHIBIT A**

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,065,486**  
**Registered Dec. 6, 2011**  
**Int. Cl.: 25**

**TRADEMARK**  
**PRINCIPAL REGISTER**

SWEET PEOPLE APPAREL, INC. (CALIFORNIA CORPORATION)  
4715 S. ALAMEDA ST.  
LOS ANGELES, CA 90058

FOR: APPAREL, NAMELY, JEANS AND PANTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 9-29-2005; IN COMMERCE 9-29-2005.

OWNER OF U.S. REG. NO. 3,494,338.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE SHAPES OF THE POCKETS OR THE POCKET FLAPS, OR THE STITCHING APPEARING ON THE POCKETS OR THE POCKET FLAPS, WHICH ARE INCLUDED ONLY TO SHOW THE PLACEMENT OF THE MARK ON THE GOODS, APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A FABRIC CUT OUT DESIGN ON THE POCKET FLAP AND UNDER THE WAIST OF THE PANTS. THE AREA OF THE CUTOUT IS REPLACED WITH A FABRIC INSERT WHICH DIFFERS IN DESIGN FROM THE REMAINING PANTS FABRIC.

SEC. 2(F).

SER. NO. 85-041,242, FILED 5-18-2010.

SUZANNE BLANE, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

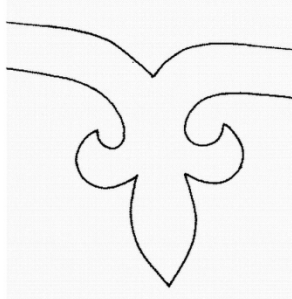


# **EXHIBIT B**



# United States of America

United States Patent and Trademark Office



**Reg. No. 3,581,968**

RCRV, INC. (CALIFORNIA CORPORATION)  
4715 S. ALAMEDA ST.  
LOS ANGELES, CA 90058

**Registered Feb. 24, 2009**

**Corrected Nov. 29, 2011** FOR: JEANS, IN CLASS 25 (U.S. CLS. 22 AND 39).

**Int. Cl.: 25**

FIRST USE 11-23-2005; IN COMMERCE 3-17-2006.

**TRADEMARK**

THE MARK CONSISTS OF A STYLIZED REPRESENTATION OF A FLEUR-DE-LYS.

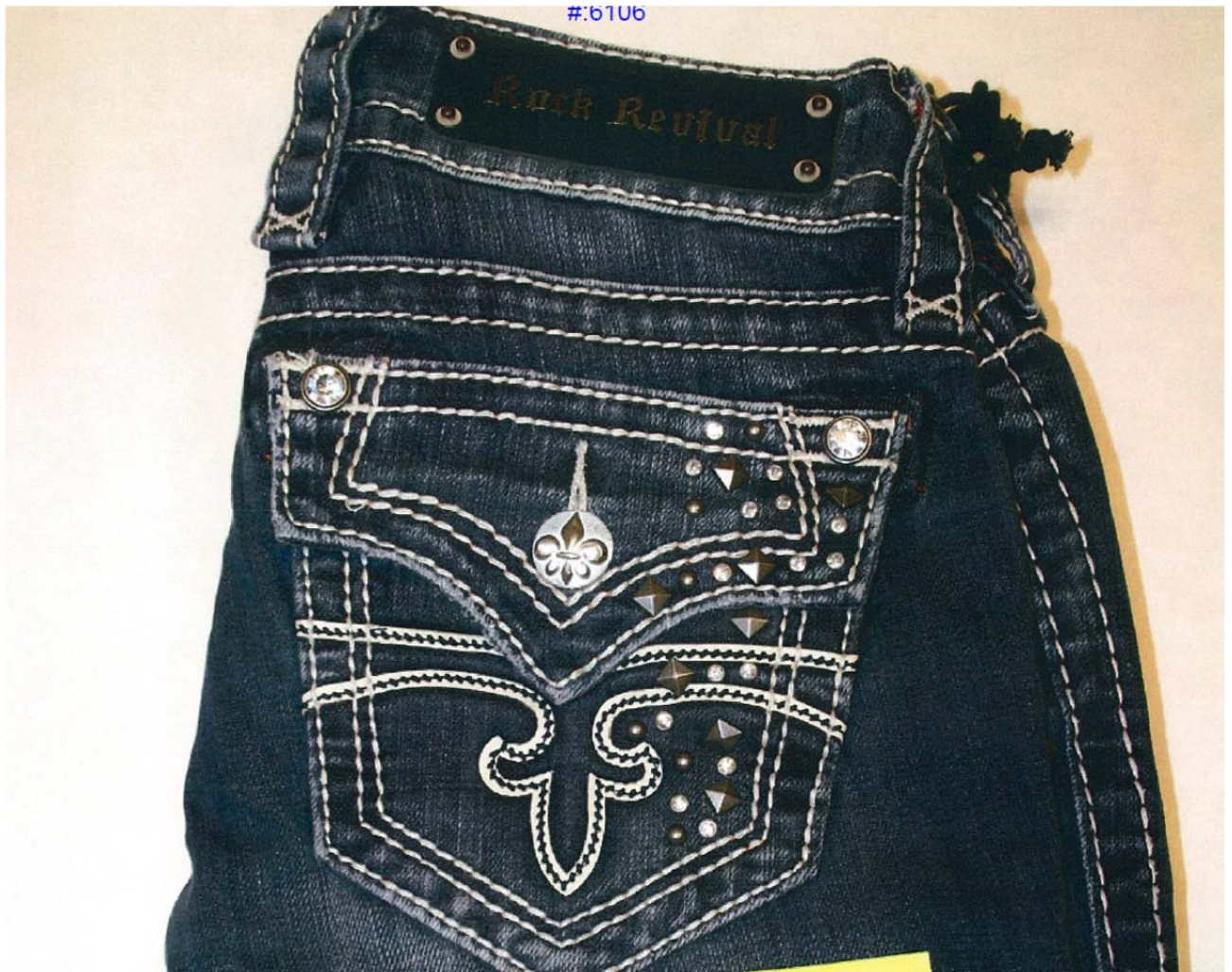
**SUPPLEMENTAL REGISTER**

SER. NO. 77-551,925, FILED P.R. 8-20-2008; AM. S.R. 12-15-2008.



*David J. Kappas*

Director of the United States Patent and Trademark Office



# **EXHIBIT C**









